

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

Proposed Legislation Regarding Records of
Federal Agencies

FROM:

EXTENSION

NO.

01S 84-115/1

DATE

27 FEB 1984

TO: (Officer designation, room number, and
building)

DATE

OFFICER'S
INITIALSCOMMENTS (Number each comment to show from whom
to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Legislation Division, OLL
7B42 Headquarters

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27 FEB 1984

STAT MEMORANDUM FOR:
Legislation Division, OLL

STAT FROM:
Director of Information Services, DA

SUBJECT: Proposed Legislation Regarding Records of
Federal Agencies

REFERENCE: Your memorandum dated 17 February 1984,
same subject (OLL 84-0678)

1. The current draft GSA bill is similar to two draft GSA bills that we objected to last year. We continue to oppose any bill that diminishes the DCI's statutory authority under the National Security Act of 1947 to protect intelligence sources and methods from unauthorized disclosure or the Agency's exemption under the CIA Act of 1949 from any law requiring disclosure of the organization, functions, names, titles, salaries, or numbers of personnel employed by the Agency. Although the current draft bill does include in section 2904a(c) a new provision stating that the Director of the Office of Management and Budget (OMB) is the final arbiter in any disagreement between the head of a Federal agency and the Administrator of General Services, this in effect would subordinate the DCI's statutory authorities and responsibilities to OMB. The draft bill also would appear to nullify the "need-to-know" and "third agency rule" provisions of Executive Order 12356, Sections 4.1(a) and 4.1(d).

2. Our experience with NARS personnel appraising Agency records to determine their historical value has been cooperative and they have looked at records throughout the Agency to the extent necessary for this purpose. However, in accordance with the DCI's statutory responsibilities under the National Security Act and the CIA Act, we have never granted NARS personnel access to sensitive intelligence information such as agent names and polygraph files. Rather than granting access to such records, we have provided a detailed description of the types of information contained in the records to NARS personnel so they could make their appraisal.

3. We recommend the Agency strongly oppose this draft bill since it would jeopardize the DCI's ability to protect sensitive intelligence information. Moreover, there is no evidence to indicate that existing laws or Executive orders have been a serious impediment to the exercise of NARS' responsibilities insofar as CIA is concerned. At the very least, if the draft bill is cleared for transmittal to Congress, it should be structured as an amendment to the Federal Property and Administrative Services Act of 1949, which states that nothing therein "shall impair or affect any authority of . . . [the] Central Intelligence Agency."

STAT

